

STATE OF NEW JERSEY  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS

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CHARLES LAWSON, and	:	NEW JERSEY OFFICE OF
CRAIG SASHIHARA, Director, NEW	:	ADMINISTRATIVE LAW
JERSEY DIVISION ON CIVIL RIGHTS,	:	DOCKET NO. CRT 16228-2012N
	:	
Complainants,	:	
	:	<u>ADMINISTRATIVE</u>
v.	:	<u>CONSENT ORDER</u>
	:	
GEORGE TESTA,	:	
	:	
Respondent.	:	

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Pursuant to the authority granted to the Director of the New Jersey Division on Civil Rights (the "Director") by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., and with the consent of Complainant Charles Lawson ("Lawson"), whose April 4, 2011 complaint to the United States Department of Housing and Urban Development alleging unlawful discrimination in the form of refusal to rent housing on the basis of race against George Testa ("Testa" or "Respondent") was referred to the New Jersey Division on Civil Rights (the "Division"), the Director has agreed with Respondent to resolve all issues in controversy in this matter without further litigation on the terms set forth in this Consent Order. Without

admitting the allegations set forth in the Division's May 3, 2012 Finding of Probable Cause, Respondent consents to the form and entry of this Consent Order.

IT IS, THEREFORE, ON THIS 2<sup>ND</sup> DAY OF OCT. 2013,  
ORDERED AND AGREED:

LAD COMPLIANCE

1. Respondent will refrain from doing any act that violates the New Jersey New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. (the "LAD"). Specifically, Respondent will not discriminate against any person because of familial status, race, creed, color, national origin, ancestry, marital status, domestic partnership status, civil union status, gender, affectional or sexual orientation, gender identity or expression, disability, or source of lawful income in the sale, rental, assignment, lease, or sublease of any real property under his ownership or control.

2. As to the property located at 177-79 South Essex Avenue in Orange, New Jersey that is the subject of this matter (the "Premises"), Respondent will create a written nondiscrimination policy (the "Policy") reflecting this agreement to practice compliance with all provisions of the LAD. The Policy will apply to all current and future housing applicants and tenants at the Premises and will include a statement abolishing the "no children"

rule Respondent has imposed on previous and current tenants at the Premises. In compliance with the LAD's prohibition of familial status discrimination in housing, Respondent expressly agrees to allow children to reside at the Premises, subject only to lawful occupancy limitations.

3. Within 15 days of the date this Consent Order is fully executed, Respondent will provide a copy of the Policy to the Division, via Deputy Attorney General Megan Harris, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07010. Within 30 days of the date this Consent Order is fully executed, Respondent will deliver a copy of the Policy to each rental unit occupied at the Premises.

4. In compliance with the provisions of N.J.S.A. 10:5-12j and N.J.A.C. 13:8-1.3, within 15 days of the date this Consent Order is fully executed, Respondent will display the official Housing Poster of the Division in an easily visible manner at the Premises. Respondent will display the English and Spanish language versions of the Poster, both of which can be obtained from the Division's web site at [www.nj.gov/oag/dcr/posters.html](http://www.nj.gov/oag/dcr/posters.html).

#### MONITORING

5. For a period of one year following the execution of this Consent Order by all parties, the Division will monitor

Respondent's rental practices to ensure compliance with fair housing laws. Within 60 days of the effective date of this Consent Order, Respondents will establish a system to maintain records of all prospective tenants who complete applications for rental housing. These records will include, at minimum, the names and contact information (address, phone number, and e-mail address if applicable) of prospective tenants, the type of rental unit sought, whether the applicant was offered the opportunity to rent a unit, and the reason for any rejection. Respondent shall also maintain copies of any advertisements related to vacancies at the Premises. Respondents will maintain the records for a period of at least three years, longer if otherwise required by law.

6. Respondent will contact the Division, via Housing Manager Elizabeth Russian, New Jersey Division on Civil Rights, 140 E. Front Street, 6th Floor, Trenton, New Jersey 08625-0090, whenever a unit at the Premises becomes available for rent, and provide the Division with a copy of any notices or advertisements posted or published related to the vacancy.

7. Respondents shall provide the Division, via Housing Manager Elizabeth Russian, with a report six months from the date this Consent Order is fully executed and an additional report one year from the date this Consent Order is fully executed. The two

reports will, at minimum, include the following information with respect to each vacancy during the one-year period: (1) when the unit became available; (2) how the vacancy was advertised (attaching copies of all advertisements); (3) the number of applicants for the vacant unit; (4) a copy of each rental application and contact information for each applicant; (5) the reason(s) why Respondent chose a particular applicant for the unit; and (6) the reason(s) unsuccessful applicants were not chosen.

#### MONETARY PAYMENT

8. Respondent will pay, to Charles Lawson, the sum of three-thousand dollars (\$3,000.00) in one payment, in settlement of the allegations of unlawful discrimination set forth in Lawson's Verified Complaint to the Division dated May 2, 2011 and the Division's Finding of Probable Cause dated May 3, 2012. A check made payable to "Charles Lawson" will be delivered to the attention of Deputy Attorney General Megan Harris, New Jersey Office of the Attorney General, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey, 07101, within 15 days of the date this Consent Order is fully executed.

9. Upon full execution of this Consent Order, Respondent is liable for the full amount of \$3,000.00. This Consent Order may be enforced as a judgment against Respondent for \$3,000.00 plus

interest and the costs of enforcement if payment is not made within the time set forth herein.

#### SUSPENDED PENALTY

10. If Respondent defaults on or violates any provision of this Consent Order, or if within two years from the date this Consent Order is fully executed, Respondent is found to be in violation of the LAD, he will be liable to the Division for a penalty of seven-thousand dollars (\$7,000.00), in addition to the payment of \$3,000.00 to Charles Lawson required under paragraph 8 of this Consent Order. If after expiration of a two-year period from the date this Consent Order is fully executed, Respondent is not found to be in violation of the LAD, and has otherwise fulfilled all terms of this Consent Order, the suspended penalty will be vacated by operation of this provision.

#### GENERAL PROVISIONS

11. Nothing in this Consent Order shall in any manner be construed to limit or affect the rights of any persons, other than the parties to this Consent Order, who may have a claim against Respondent or any individual or entity involved in this matter.

12. The parties to this Consent Order acknowledge that for the purpose of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions herein.

13. As used in this Consent Order, the plural shall include the singular and the singular shall include the plural. In addition, "or" and "and" shall be interpreted conjunctively.

14. The parties to this Consent Order represent that a person authorized to sign a document legally binding each party to its terms has signed this Consent Order with full knowledge, understanding, and acceptance of its terms.

15. This Consent Order constitutes the entire agreement between the Director, Lawson, and Testa, with respect to its subject matter. Any addition, deletion, or change to this Consent Order must be in writing and signed by all parties to be bound by such addition, deletion, or change.

16. The parties to this Consent Order have negotiated and fully reviewed its terms. Uncertainty or ambiguity shall not, therefore, be construed against the drafter.

17. This Consent Order is executed in settlement of the allegations made against Testa in the above-captioned matter, and shall not be construed to otherwise limit the authority of the New Jersey Attorney General or the Director of the New Jersey Division on Civil Rights to protect the interests of the State of New Jersey or the people of the State of New Jersey.

18. If any portion of this Consent Order is held invalid or

unenforceable by operation of law, the remaining terms of this Consent Order shall not be affected.

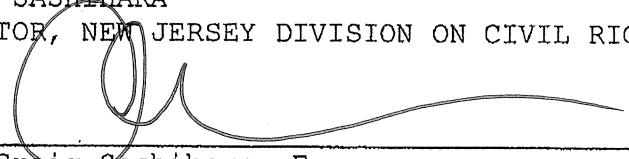
19. This Consent Order shall be binding upon the parties to this agreement and their successors. In no event shall assignment of any right, power or authority avoid compliance with the terms of this Consent Order.

20. In the event that Respondent defaults on any provision of this Consent order, Respondent consents to the entry of this Consent Order in New Jersey Superior Court for the purpose of enforcement.

21. Any signature required for the entry of this Consent Order may be executed in counterparts, each of which shall be deemed an original, but all of which shall together constitute one and the same Consent Order.

CRAIG SASHIHARA  
DIRECTOR, NEW JERSEY DIVISION ON CIVIL RIGHTS

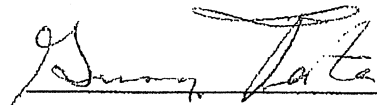
By:

  
Craig Sashihara, Esq.

10-2-13

RESPONDENT GEORGE TESTA HEREBY CONSENTS TO THE FORM, CONTENT, AND ENTRY OF THIS ORDER:

By:



Dated:

9/1/13



COMPLAINANT CHARLES LAWSON HEREBY CONSENTS TO THE FORM, CONTENT,  
AND ENTRY OF THIS ORDER:

By:   
Charles Lawson

Dated: Oct 2, 2013